

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SETA SAAD, et al.,

Plaintiffs,

v.

GUIDANT CORPORATION, et al.,

Defendants.

No. C 08-0053 PJH

ORDER

On February 4, 2008, the court issued an order staying the above-entitled action and finding the motion to remand as moot, in light of the issuance of a conditional transfer order by the MDL Panel. Also on February 4, 2008, plaintiffs filed an administrative motion to have the motion for remand heard, arguing that the court has jurisdiction despite the conditional transfer order. Defendants did not file a response to the administrative motion.

The court is aware that it retains jurisdiction over the case until and unless it is transferred. However, the court also has discretion to stay the case once a conditional transfer order has been issued. Should the MDL Panel determine that transfer is not warranted, the court will lift the stay and will consider the motion to remand at that time. Plaintiffs' administrative motion is DENIED.

IT IS SO ORDERED.

Dated: February 8, 2008



PHYLLIS J. HAMILTON
United States District Judge